

Order

Michigan Supreme Court
Lansing, Michigan

May 25, 2010

Marilyn Kelly,
Chief Justice

139914

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 139914
COA: 291123
Wayne CC: 99-012340-FC

KEITH TATE,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the September 10, 2009 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the order of the Court of Appeals and we REMAND this case to the Court of Appeals for consideration of the issues raised by the defendant but not addressed by that court during its initial review of this case.

We do not retain jurisdiction.

HATHAWAY, J., not participating. Justice Hathaway recuses herself and will not participate in this case as she was the presiding trial court judge. See MCR 2.003(B).



s0517

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 25, 2010

Corbin R. Davis

Clerk